Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

1. Independent claim 1 and the claims dependent thereon have been allowed because none of the references of record teach or suggest a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

2. Independent claim 12 and the claims dependent there have been allowed because none of the references of record teach or suggest a process for preparing a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm, wherein the gamma value is 1.2-1.8 and the throughput is 0.1-0.3 kg SiO^2/m^3 of core gas mixture.

3. Independent claim 21 and the claims dependent thereon have been allowed because none of the references of the record teach or suggest an aqueous dispersion comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

4. Independent claim 27 and the claims dependent thereon have been allowed because none of the references of the record teach or suggest a process for preparing an aqueous dispersion comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less

than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

5. Independent claim 32 has been allowed because none of the references of record teach or suggest a rubber article, a silicon rubber article or a plastic article comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

6. Independent claim 33 has been allowed because none of the references of record teach or suggest a method for producing a rubber article, a silicon rubber article or a plastic article comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

7. Independent claim 34 has been allowed because none of the references of record teach or suggest a method for adjusting the rheology of a dye or a lacquer comprising adding a pyrogenic silicon dioxide powder to a dye or a lacquer formulation, wherein the pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

8. Independent claim 35 has been allowed because none of the references of record teach or suggest a dye or a lacquer comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate

circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

9. Independent claim 36 has been allowed because none of the references of record teach or suggest a catalyst support comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

10. Independent claim 37 has been allowed because none of the references of record teach or suggest a method for preparing a catalyst comprising supporting a catalytically active material onto a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

11. Independent claim 38 has been allowed because none of the references of record teach or suggest a glass article comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

12. Independent claim 39 has been allowed because none of the references of record teach or suggest a method for preparing a glass article comprising adding to a glass formulation a pyrogenic silicon dioxide powder with a mean aggregate area of less

than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

13. Independent claim 40 has been allowed because none of the references of record teach or suggest a chemical-mechanical polish comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

14. Independent claim 41 has been allowed because none of the references of record teach or suggest a method for polishing comprising using a chemical-mechanical polish comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

15. Independent claim 42 has been allowed because none of the references of record teach or suggest a coating for ink-jet paper comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

16. Independent claim 43 has been allowed because none of the references of record teach or suggest a method for preparing ink-jet paper comprising coating with a coating comprising a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Declaration Under 37 C.F.R. 1.132

The Declaration under 37 CFR 1.132 filed 05/12/2009 is insufficient to overcome the rejection of claims 1-28 and 31-43 based upon Mangold et al. (EP 0 759 410) in view of Mangold et al. (U.S. Patent No. 6,063,354), Mangold et al. (EP 1 097 964), and Scharfe et al. (U.S. Patent Application Publication No. 2001/0042493 A1) applied under 35 U.S.C. 102(b)/103(a) as set forth in the last Office action because: it is not filled in, signed, or dated.

However, none of the references of record teach or suggest a pyrogenic silicon dioxide powder with a mean aggregate area of less than 25000 nm^2 and a mean aggregate circumference of less than 1000 nm, wherein at least 70% of the aggregates have a circumference of less 1300 nm.

Conclusion

Claims 1-28 and 31-43 have been allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SERENA L. HANOR whose telephone number is (571)270-3593. The examiner can normally be reached on Monday - Thursday 8:00 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLH

/Timothy C Vanoy/
Primary Examiner, Art Unit 1793